

# SANDBERG

PERSONAL INJURY LAW

Peter C. Sandberg  
*Attorney at Law*  
psandberg@sandberg-law.com

Elham B. Haddon  
*Attorney at Law*  
ehaddon@sandberg-law.com

January 12, 2022

Joseph E. Flynn  
Vicki A. Hruby  
Jardine Logan & O'Brien  
8519 Eagle Point Boulevard, Suite 100  
Lake Elmo, MN 55042  
[Jflynn@jllolaw.com](mailto:Jflynn@jllolaw.com)  
[vhruby@jllolaw.com](mailto:vhruby@jllolaw.com)

RE: William Evans, Jr., as Trustee for the Heirs and Next-of-Kin of Benjamin Evans v. Brian  
Krook, et. al.  
Case No: 20-cv-2474-MJD-ECW  
Our File No.: 2-7048

Dear Counsel:

Enclosed and served upon you are the following:

Plaintiff's Supplemental Rule 26 Disclosures  
Plaintiff's Supplemental Answers to Interrogatories  
Plaintiff's Third Supplemental Answers to Requests for Documents from Defendants

Thank you for your attention to this matter.

Sincerely,



Elham B. Haddon  
Attorney at Law

EBH/egbh

enclosures

AFFIDAVIT OF SERVICE

Court File No: 20-cv-02474 MJD/ECW

UNITED STATES DISTRICT COURT  
DISTRICT OF MN

Emily B. Haddon, employed by the law offices of Sandberg Law Firm., 4057 28<sup>th</sup> Street N.W., Suite #300 of the City of Rochester, County of Olmsted, in the State of Minnesota, being duly sworn, says that on January 12, 2022, she served the annexed:

Plaintiff's Supplemental Rule 26 Disclosures  
Plaintiff's Supplemental Answers to Interrogatories  
Plaintiff's Third Supplemental Answers to Requests for Documents from Defendants


upon the following attorneys of record in this action, by e-mailing and mailing them a copy thereof:

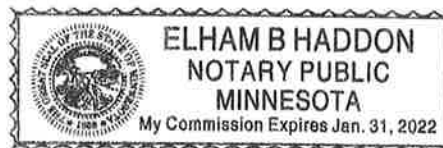
Joseph E. Flynn  
Vicki A. Hruba  
Jardine Logan and O'Brien PLLP  
Suite 100  
8519 Eagle Point Blvd  
Lake Elmo MN 55042  
[jflynn@jlaw.com](mailto:jflynn@jlaw.com)  
[vhruby@jlaw.com](mailto:vhruby@jlaw.com)

Dated: January 12, 2022

  
Emily B. Haddon

Subscribed and sworn to before me  
on January 12, 2022

  
Notary Public



UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Case No: 0:20-cv-02474 MJD/ECW

William O. Evans, Jr., as Trustee for the  
Heirs and Next-of-Kin for Benjamin Evans,

**PLAINTIFF'S THIRD  
SUPPLEMENTAL ANSWERS TO  
REQUEST FOR DOCUMENTS FROM  
DEFENDANTS**

Plaintiff

vs.

Brian Jeffery Krook, individually and in his official capacity  
as a Deputy for Washington County Sheriff's Office;

Michelle Folendorf, individually and in her official capacity  
as a Sergeant for Washington County Sheriff's Office;

Joshua John Ramirez, individually and in his official capacity  
as a Deputy for Washington County Sheriff's Office;

Michael Ramos, individually and in his official capacity  
as a Deputy for Washington County Sheriff's Office;

Dan Starry, individually and in his official capacity as  
Washington County Sheriff and policymaker;

Washington County as a political subdivision of the State  
of Minnesota.

Defendants

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TO: All Defendants named above and their Attorney of record:

**REQUEST FOR DOCUMENTS**

2. Any and all documents referring to or relating in any way to any alleged improper conduct on behalf of Defendants.

REPLY: See Rule 26 Disclosures.

**Supplemental Answer: These documents were provided to Defendants with the BCA file. See also Plaintiff's Supplemental Answers to Request for Documents from Defendants, dated 9/3/2021 for supplemental documents from the Special Prosecutor 1 and 2.**

**EXHIBIT 4**

3. Any and all photographs, video, audio, charts, diagrams, maps, drawings, blueprints, models, computer simulations or enhancements or other visual representations of the scene of the subject incident, Plaintiff and/or Decedent's claimed injuries or damages or investigation of the subject incident.

REPLY: See Rule 26 Disclosures.

**Supplemental Answer: These documents were provided to Defendants with the BCA file. See also Plaintiff's Second Supplemental Answers to Requests for Documents from Defendants, dated 10/7/2021 for pictures and video of Benjamin Evans. Plaintiff did not obtain any from third parties.**

10. Copies of all notes, diaries, writings, or other written or recorded record Plaintiff prepared regarding the alleged incident which are the subject of Plaintiff's allegations against Defendants.

REPLY: See Rule 26 Disclosure.

**Supplemental Answer: Plaintiff objects to this request as overbroad to the extent it invades the attorney client privilege. Without waiving said objection, these documents were provided previously to Defendants. See also Plaintiff's Supplemental Answers to Request for Documents from Defendants, dated 9/3/2021 for copies of emails of Kim Porter's emails.**

11. Produce copies of all transcripts from high school and post-high school education/training including, but not limited to, copies of diplomas, degrees, certificates, and other credentials, past and present of Decedent (authorization attached).

REPLY: See Rule 26 Disclosures.

**Supplemental Answer: These documents were provided to Defendants along with signed authorizations.**

12. Executed Workers' Compensation Division authorization of Decedent (authorization attached).

REPLY: See Rule 26 Disclosures.

**Supplemental Answer: These documents were provided to Defendants along with signed authorizations.**

15. All documents from January 1, 2015 to April 12, 2018 relating to social media sites maintained by Decedent including, Decedent's Myspace.com or Facebook file/profile, Twitter, Instagram, etc. and also including, but not limited to, all blogs, videos, post bulletins, pictures, sent messages, received messages, and archival data.

REPLY: See Rule 26 Disclosures.

**Supplemental Answer: These documents were provided to Defendants with the BCA file which included copies of Benjamin Evans' computer hard drive and his phone. Plaintiff also previously provided copies of his FB page.**

16. All documents from April 12, 2018 to the present relating to social media sites maintained by Decedent's trustee, heirs, next of kin, relatives, and family members, including their Myspace.com or Facebook file/profile, Twitter, etc. and also including, but not limited to, all blogs, videos, post bulletins, pictures, sent messages, received messages, and archival data in anyway referencing or relating to Decedent, the Defendants, Plaintiff's claimed injuries or damages, and the subject incident.

REPLY: Plaintiff objects to this request as being overly broad and vague, seeking information that is irrelevant, inadmissible, prejudicial and outside the scope of Rule 26 of the Federal Rules of Civil Procedure.

**Supplemental Answer: Magistrate Wright sustained this objection during the motion hearing on this matter on 12/2/2021.**

17. All documents received by Plaintiff in any format from any person (not Plaintiff's attorney) that relate to any allegations made by Plaintiff in this matter.

REPLY: See Rule 26 Disclosures.

**Supplemental Answer: These documents were previously provided to Defendants. See also Plaintiff's Supplemental Answers to Request for Documents from Defendants, dated 9/3/2021 for supplemental documents from the Special Prosecutor 1 and 2. See also Expert Report of Dr. Greenstone.**

19. Autopsy/Medical Examiner reports, photographs, notes, laboratory studies, and all other records in the possession of the Medical Examiner re: Decedent (medical authorization attached).

REPLY: See Rule 26 Disclosures.

**Supplemental Answer: These documents were provided to Defendants with the BCA file.**

20. Any and all documents evidencing phone calls made to or from the cell phone owned/used by Decedent on April 12, 2018.

REPLY: See Rule 26 Disclosures.

**Supplemental Answer: These documents were provided to Defendants with the BCA file which contained a copy of Benjamin Evans' cell phone.**

23. Any and all documents which Plaintiff claims relates in any manner to his claim for damages in this matter.

REPLY: See Rule 26 Disclosures.

**Supplemental Answer: These documents were provided to Defendants. See Plaintiff's Supplemental Answers to Requests for Documents from Defendants dated 9/3/21, Plaintiff's Second Supplemental Answers to Requests for Documents from Defendants, dated 10/7/2021 and US Bureau of Labor Statistics, Occupational Employment and Wages, May 2020, Physicians Assistants (provided with Plaintiff's Supplemental Answers to Interrogatories from Defendants, dated 11/2/2021). See also, National Vital Statistics Report, vol. 68, No. 7, June 24, 2019, p. 12-15, attached.**

25. All photographs, film, and/or video showing Decedent any time during the 12-month period preceding April 12, 2018.

REPLY: See Rule 26 Disclosures.

**Supplemental Answer: These documents were provided to Defendants. See also Plaintiff's Supplemental Answers to Requests for Documents from Defendants dated 9/3/21 and Plaintiff's Second Supplemental Answers to Requests for Documents from Defendants, dated 10/7/2021.**

26. All statements made by parties or nonparties concerning the above action or its subject matter. For the purpose of this request, a statement is (a) a written statement signed or otherwise adopted or approved by the person making it; or (b) a stenographic, mechanical, electrical or other recording, or a transcription thereof, which is substantially a verbatim recital of an oral statement by the person making it and contemporaneously recorded.

REPLY: See Rule 26 Disclosures.

**Supplemental Answer: These documents were provided to Defendants. See also Plaintiff's Supplemental Answers to Requests for Documents from Defendants dated 9/3/21 for documents received from the Special Prosecutor 1 and 2.**

27. Copies of all medical reports previously or hereafter made by any treating or examining medical expert, and written authority signed by the Plaintiff to permit the inspection of all hospital and other medical records concerning Decedent's physical, mental or blood condition. (Medical authorization attached.

REPLY: See Rule 26 Disclosures.

**Supplemental Answer: These documents were provided to Defendants along with signed authorizations.**

Dated: 1/1/22

SANDBERG LAW FIRM

  
Elham B. Haddon

Registration No. 0398698

Attorney for Plaintiff

4057 28<sup>th</sup> Street N.W., Suite #300

Rochester, Minnesota 55901

Telephone: (507) 282-3521



**Table 2. Life table for males: United States, 2017**Spreadsheet version available from: [https://ftp.cdc.gov/pub/Health\\_Statistics/NCHS/Publications/NVSR/68\\_07/Table02.xlsx](https://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/68_07/Table02.xlsx).

Age (years)	Probability of dying between ages $x$ and $x + 1$	Number surviving to age $x$	Number dying between ages $x$ and $x + 1$	Person-years lived between ages $x$ and $x + 1$	Total number of person-years lived above age $x$	Expectation of life at age $x$
	$q_x$	$l_x$	$d_x$	$L_x$	$T_x$	$e_x$
0-1	0.006302	100,000	630	99,449	7,610,075	76.1
1-2	0.000423	99,370	42	99,349	7,510,627	75.6
2-3	0.000287	99,328	29	99,313	7,411,278	74.6
3-4	0.000225	99,299	22	99,288	7,311,964	73.6
4-5	0.000158	99,277	16	99,269	7,212,676	72.7
5-6	0.000156	99,261	15	99,253	7,113,407	71.7
6-7	0.000138	99,246	14	99,239	7,014,154	70.7
7-8	0.000124	99,232	12	99,226	6,914,915	69.7
8-9	0.000110	99,220	11	99,214	6,815,689	68.7
9-10	0.000098	99,209	10	99,204	6,716,475	67.7
10-11	0.000094	99,199	9	99,194	6,617,271	66.7
11-12	0.000108	99,190	11	99,184	6,518,077	65.7
12-13	0.000152	99,179	15	99,171	6,418,893	64.7
13-14	0.000232	99,164	23	99,152	6,319,721	63.7
14-15	0.000341	99,141	34	99,124	6,220,569	62.7
15-16	0.000461	99,107	46	99,084	6,121,445	61.8
16-17	0.000584	99,061	58	99,032	6,022,360	60.8
17-18	0.000718	99,003	71	98,968	5,923,328	59.8
18-19	0.000859	98,932	85	98,890	5,824,360	58.9
19-20	0.001001	98,848	99	98,798	5,725,470	57.9
20-21	0.001147	98,749	113	98,692	5,626,672	57.0
21-22	0.001286	98,635	127	98,572	5,527,980	56.0
22-23	0.001403	98,508	138	98,439	5,429,408	55.1
23-24	0.001490	98,370	147	98,297	5,330,969	54.2
24-25	0.001554	98,224	153	98,147	5,232,672	53.3
25-26	0.001609	98,071	158	97,992	5,134,525	52.4
26-27	0.001664	97,913	163	97,832	5,036,533	51.4
27-28	0.001713	97,750	167	97,667	4,938,701	50.5
28-29	0.001762	97,583	172	97,497	4,841,034	49.6
29-30	0.001810	97,411	176	97,323	4,743,537	48.7
30-31	0.001859	97,235	181	97,144	4,646,215	47.8
31-32	0.001907	97,054	185	96,961	4,549,070	46.9
32-33	0.001959	96,869	190	96,774	4,452,109	46.0
33-34	0.002014	96,679	195	96,582	4,355,335	45.0
34-35	0.002072	96,484	200	96,384	4,258,754	44.1
35-36	0.002139	96,284	206	96,181	4,162,369	43.2
36-37	0.002211	96,078	212	95,972	4,066,188	42.3
37-38	0.002277	95,866	218	95,757	3,970,216	41.4
38-39	0.002333	95,648	223	95,536	3,874,459	40.5
39-40	0.002390	95,425	228	95,311	3,778,923	39.6
40-41	0.002463	95,196	234	95,079	3,683,612	38.7
41-42	0.002566	94,962	244	94,840	3,588,533	37.8
42-43	0.002701	94,718	256	94,591	3,493,693	36.9
43-44	0.002870	94,463	271	94,327	3,399,102	36.0
44-45	0.003066	94,192	289	94,047	3,304,775	35.1
45-46	0.003280	93,903	308	93,749	3,210,728	34.2
46-47	0.003520	93,595	329	93,430	3,116,979	33.3
47-48	0.003804	93,265	355	93,088	3,023,549	32.4
48-49	0.004146	92,910	385	92,718	2,930,462	31.5
49-50	0.004547	92,525	421	92,315	2,837,744	30.7
50-51	0.004978	92,105	459	91,875	2,745,429	29.8
51-52	0.005441	91,646	499	91,397	2,653,554	29.0
52-53	0.005965	91,147	544	90,876	2,562,157	28.1
53-54	0.006549	90,604	593	90,307	2,471,281	27.3
54-55	0.007170	90,010	645	89,688	2,380,974	26.5
55-56	0.007803	89,365	697	89,016	2,291,287	25.6
56-57	0.008445	88,668	749	88,293	2,202,270	24.8
57-58	0.009116	87,919	801	87,518	2,113,977	24.0
58-59	0.009838	87,117	857	86,689	2,026,459	23.3
59-60	0.010619	86,260	916	85,802	1,939,770	22.5
60-61	0.011470	85,344	979	84,855	1,853,967	21.7



**Table 2. Life table for males: United States, 2017—Con.**Spreadsheet version available from: [https://ftp.cdc.gov/pub/Health\\_Statistics/NCHS/Publications/NVSR/68\\_07/Table02.xlsx](https://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/68_07/Table02.xlsx).

Age (years)	Probability of dying between ages $x$ and $x + 1$	Number surviving to age $x$	Number dying between ages $x$ and $x + 1$	Person-years lived between ages $x$ and $x + 1$	Total number of person-years lived above age $x$	Expectation of life at age $x$
	$q_x$	$l_x$	$d_x$	$L_x$	$T_x$	$e_x$
61–62. . . . .	0.012361	84,365	1,043	83,844	1,769,113	21.0
62–63. . . . .	0.013260	83,323	1,105	82,770	1,685,269	20.2
63–64. . . . .	0.014140	82,218	1,163	81,636	1,602,498	19.5
64–65. . . . .	0.015019	81,055	1,217	80,446	1,520,862	18.8
65–66. . . . .	0.015942	79,838	1,273	79,201	1,440,416	18.0
66–67. . . . .	0.017026	78,565	1,338	77,896	1,361,214	17.3
67–68. . . . .	0.018189	77,227	1,405	76,525	1,283,318	16.6
68–69. . . . .	0.019483	75,823	1,477	75,084	1,206,793	15.9
69–70. . . . .	0.020990	74,345	1,561	73,565	1,131,709	15.2
70–71. . . . .	0.022448	72,785	1,634	71,968	1,058,144	14.5
71–72. . . . .	0.024631	71,151	1,753	70,275	986,176	13.9
72–73. . . . .	0.026570	69,399	1,844	68,477	915,901	13.2
73–74. . . . .	0.029040	67,555	1,962	66,574	847,424	12.5
74–75. . . . .	0.031539	65,593	2,069	64,558	780,851	11.9
75–76. . . . .	0.034644	63,524	2,201	62,424	716,292	11.3
76–77. . . . .	0.038148	61,323	2,339	60,154	653,869	10.7
77–78. . . . .	0.042250	58,984	2,492	57,738	593,715	10.1
78–79. . . . .	0.046522	56,492	2,628	55,178	535,977	9.5
79–80. . . . .	0.051401	53,864	2,769	52,479	480,799	8.9
80–81. . . . .	0.056783	51,095	2,901	49,644	428,320	8.4
81–82. . . . .	0.062514	48,194	3,013	46,687	378,675	7.9
82–83. . . . .	0.069452	45,181	3,138	43,612	331,988	7.3
83–84. . . . .	0.077622	42,043	3,263	40,411	288,376	6.9
84–85. . . . .	0.086155	38,780	3,341	37,109	247,965	6.4
85–86. . . . .	0.095450	35,439	3,383	33,747	210,855	5.9
86–87. . . . .	0.105788	32,056	3,391	30,360	177,108	5.5
87–88. . . . .	0.118527	28,665	3,398	26,966	146,748	5.1
88–89. . . . .	0.132437	25,267	3,346	23,594	119,782	4.7
89–90. . . . .	0.147541	21,921	3,234	20,304	96,188	4.4
90–91. . . . .	0.163839	18,687	3,062	17,156	75,884	4.1
91–92. . . . .	0.181308	15,625	2,833	14,209	58,728	3.8
92–93. . . . .	0.199900	12,792	2,557	11,514	44,519	3.5
93–94. . . . .	0.219535	10,235	2,247	9,112	33,006	3.2
94–95. . . . .	0.240108	7,988	1,918	7,029	23,894	3.0
95–96. . . . .	0.261480	6,070	1,587	5,276	16,865	2.8
96–97. . . . .	0.283491	4,483	1,271	3,847	11,589	2.6
97–98. . . . .	0.305955	3,212	983	2,721	7,741	2.4
98–99. . . . .	0.328673	2,229	733	1,863	5,021	2.3
99–100. . . . .	0.351434	1,497	526	1,234	3,158	2.1
100 and over . . . . .	1.000000	971	971	1,924	1,924	2.0

SOURCE: NCHS, National Vital Statistics System, Mortality.

**Table 3. Life table for females: United States, 2017**Spreadsheet version available from: [https://ftp.cdc.gov/pub/Health\\_Statistics/NCHS/Publications/NVSR/68\\_07/Table03.xlsx](https://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/68_07/Table03.xlsx).

Age (years)	Probability of dying between ages $x$ and $x + 1$	Number surviving to age $x$	Number dying between ages $x$ and $x + 1$	Person-years lived between ages $x$ and $x + 1$	Total number of person-years lived above age $x$	Expectation of life at age $x$
	$q_x$	$l_x$	$d_x$	$L_x$	$T_x$	$e_x$
0-1	0.005226	100,000	523	99,541	8,110,475	81.1
1-2	0.000339	99,477	34	99,461	8,010,934	80.5
2-3	0.000208	99,444	21	99,433	7,911,474	79.6
3-4	0.000159	99,423	16	99,415	7,812,040	78.6
4-5	0.000139	99,407	14	99,400	7,712,625	77.6
5-6	0.000126	99,393	12	99,387	7,613,225	76.6
6-7	0.000113	99,381	11	99,375	7,513,838	75.6
7-8	0.000104	99,370	10	99,365	7,414,463	74.6
8-9	0.000097	99,359	10	99,355	7,315,098	73.6
9-10	0.000092	99,350	9	99,345	7,215,744	72.6
10-11	0.000092	99,341	9	99,336	7,116,398	71.6
11-12	0.000098	99,331	10	99,327	7,017,062	70.6
12-13	0.000113	99,322	11	99,316	6,917,736	69.6
13-14	0.000138	99,311	14	99,304	6,818,420	68.7
14-15	0.000172	99,297	17	99,288	6,719,116	67.7
15-16	0.000210	99,280	21	99,269	6,619,828	66.7
16-17	0.000250	99,259	25	99,247	6,520,559	65.7
17-18	0.000293	99,234	29	99,220	6,421,312	64.7
18-19	0.000336	99,205	33	99,188	6,322,092	63.7
19-20	0.000379	99,172	38	99,153	6,222,904	62.7
20-21	0.000424	99,134	42	99,113	6,123,751	61.8
21-22	0.000471	99,092	47	99,069	6,024,638	60.8
22-23	0.000513	99,045	51	99,020	5,925,569	59.8
23-24	0.000550	98,995	54	98,967	5,826,549	58.9
24-25	0.000583	98,940	58	98,911	5,727,582	57.9
25-26	0.000613	98,883	61	98,852	5,628,670	56.9
26-27	0.000646	98,822	64	98,790	5,529,818	56.0
27-28	0.000682	98,758	67	98,724	5,431,028	55.0
28-29	0.000724	98,691	72	98,655	5,332,304	54.0
29-30	0.000774	98,619	76	98,581	5,233,649	53.1
30-31	0.000828	98,543	82	98,502	5,135,068	52.1
31-32	0.000885	98,461	87	98,418	5,036,566	51.2
32-33	0.000940	98,374	92	98,328	4,938,148	50.2
33-34	0.000989	98,282	97	98,233	4,839,820	49.2
34-35	0.001036	98,185	102	98,134	4,741,587	48.3
35-36	0.001087	98,083	107	98,030	4,643,453	47.3
36-37	0.001144	97,976	112	97,920	4,545,423	46.4
37-38	0.001203	97,864	118	97,805	4,447,503	45.4
38-39	0.001264	97,746	124	97,685	4,349,698	44.5
39-40	0.001332	97,623	130	97,558	4,252,013	43.6
40-41	0.001414	97,493	138	97,424	4,154,455	42.6
41-42	0.001513	97,355	147	97,281	4,057,031	41.7
42-43	0.001626	97,208	158	97,129	3,959,750	40.7
43-44	0.001750	97,050	170	96,965	3,862,621	39.8
44-45	0.001883	96,880	182	96,788	3,765,657	38.9
45-46	0.002025	96,697	196	96,599	3,668,868	37.9
46-47	0.002183	96,501	211	96,396	3,572,269	37.0
47-48	0.002366	96,291	228	96,177	3,475,873	36.1
48-49	0.002584	96,063	248	95,939	3,379,696	35.2
49-50	0.002836	95,815	272	95,679	3,283,757	34.3
50-51	0.003105	95,543	297	95,395	3,188,078	33.4
51-52	0.003391	95,246	323	95,085	3,092,683	32.5
52-53	0.003711	94,923	352	94,747	2,997,598	31.6
53-54	0.004066	94,571	385	94,379	2,902,851	30.7
54-55	0.004441	94,187	418	93,977	2,808,472	29.8
55-56	0.004829	93,768	453	93,542	2,714,495	28.9
56-57	0.005221	93,315	487	93,072	2,620,953	28.1
57-58	0.005613	92,828	521	92,568	2,527,881	27.2
58-59	0.006011	92,307	555	92,030	2,435,313	26.4
59-60	0.006429	91,752	590	91,457	2,343,284	25.5
60-61	0.006880	91,162	627	90,849	2,251,826	24.7

**Table 3. Life table for females: United States, 2017—Con.**Spreadsheet version available from: [https://ftp.cdc.gov/pub/Health\\_Statistics/NCHS/Publications/NVSR/68\\_07/Table03.xlsx](https://ftp.cdc.gov/pub/Health_Statistics/NCHS/Publications/NVSR/68_07/Table03.xlsx).

Age (years)	Probability of dying between ages $x$ and $x + 1$	Number surviving to age $x$	Number dying between ages $x$ and $x + 1$	Person-years lived between ages $x$ and $x + 1$	Total number of person-years lived above age $x$	Expectation of life at age $x$
	$q_x$	$l_x$	$d_x$	$L_x$	$T_x$	$e_x$
61–62.....	0.007371	90,535	667	90,202	2,160,977	23.9
62–63.....	0.007903	89,868	710	89,513	2,070,776	23.0
63–64.....	0.008481	89,158	756	88,780	1,981,263	22.2
64–65.....	0.009111	88,401	805	87,999	1,892,484	21.4
65–66.....	0.009793	87,596	858	87,167	1,804,485	20.6
66–67.....	0.010568	86,738	917	86,280	1,717,318	19.8
67–68.....	0.011436	85,822	981	85,331	1,631,038	19.0
68–69.....	0.012474	84,840	1,058	84,311	1,545,707	18.2
69–70.....	0.013659	83,782	1,144	83,210	1,461,396	17.4
70–71.....	0.014881	82,637	1,230	82,023	1,378,187	16.7
71–72.....	0.016529	81,408	1,346	80,735	1,296,164	15.9
72–73.....	0.018210	80,062	1,458	79,333	1,215,429	15.2
73–74.....	0.020011	78,604	1,573	77,818	1,136,096	14.5
74–75.....	0.021903	77,031	1,687	76,188	1,058,278	13.7
75–76.....	0.024322	75,344	1,833	74,428	982,091	13.0
76–77.....	0.026899	73,511	1,977	72,523	907,663	12.3
77–78.....	0.029886	71,534	2,138	70,465	835,141	11.7
78–79.....	0.033413	69,396	2,319	68,237	764,675	11.0
79–80.....	0.037065	67,078	2,486	65,834	696,439	10.4
80–81.....	0.041478	64,591	2,679	63,252	630,604	9.8
81–82.....	0.046150	61,912	2,857	60,484	567,352	9.2
82–83.....	0.051681	59,055	3,052	57,529	506,869	8.6
83–84.....	0.058587	56,003	3,281	54,362	449,340	8.0
84–85.....	0.065586	52,722	3,458	50,993	394,978	7.5
85–86.....	0.072855	49,264	3,589	47,469	343,985	7.0
86–87.....	0.081115	45,675	3,705	43,822	296,515	6.5
87–88.....	0.091618	41,970	3,845	40,047	252,693	6.0
88–89.....	0.103241	38,125	3,936	36,157	212,645	5.6
89–90.....	0.116041	34,189	3,967	32,205	176,488	5.2
90–91.....	0.130061	30,222	3,931	28,256	144,283	4.8
91–92.....	0.145329	26,291	3,821	24,380	116,027	4.4
92–93.....	0.161848	22,470	3,637	20,652	91,647	4.1
93–94.....	0.179598	18,833	3,382	17,142	70,995	3.8
94–95.....	0.198530	15,451	3,067	13,917	53,853	3.5
95–96.....	0.218561	12,383	2,707	11,030	39,936	3.2
96–97.....	0.239579	9,677	2,318	8,518	28,906	3.0
97–98.....	0.261439	7,359	1,924	6,397	20,388	2.8
98–99.....	0.283967	5,435	1,543	4,663	13,991	2.6
99–100.....	0.306967	3,891	1,195	3,294	9,328	2.4
100 and over.....	1.000000	2,697	2,697	6,034	6,034	2.2

SOURCE: NCHS, National Vital Statistics System, Mortality.

1  
2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF MINNESOTA  
4  
5 -----  
6 William O. Evans, Jr., as Trustee  
7 for the Heirs and Next-of-kin for  
8 Benjamin Evans,  
9 Plaintiff,  
10 vs. Case No. 20-cv-2474  
11 Brian Jeffrey Krook, et al, (MJD-ECW)  
12 Defendants.  
13 -----  
14  
15  
16  
17 DEPOSITION OF KIMBERLY HARRELL PORTER,  
18 taken pursuant to notice of deposition, and taken  
19 before Candace A. Kolehma, a Registered Professional  
20 Reporter and Notary Public in and for the County of  
21 Ramsey, State of Minnesota, at 8519 Eagle Point  
22 Boulevard, Lake Elmo, Minnesota, on September 8,  
23 2021, commencing at 10:52 a.m.  
24  
25

1 Attorneys at Law, JARDINE, LOGAN & O'BRIEN,  
2 8519 Eagle Point Boulevard, Suite 100, Lake  
3 Elmo, Minnesota 55042, appeared representing  
4 the Defendants.  
5 Also present: Deanne Wavra,  
6 paralegal, Jardine, Logan & O'Brien, and  
7 William Evans, Jr.  
8 - - -  
9  
10 NOTE: The original deposition  
11 transcript will be filed with Attorney Flynn as  
12 the taking party, pursuant to Rule 30.06 as  
13 revised July 1, 1985.  
14 - - -  
15  
16 WHEREUPON, the following proceedings  
17 were duly had:  
18 KIMBERLY HARRELL PORTER,  
19 A Witness in the above-entitled  
20 proceeding, after having been first duly sworn,  
21 testified under oath as follows:  
22 EXAMINATION  
23 BY MR. FLYNN:  
24 Q. Could you please state your name for the record,  
25 full name.  
A. Kimberly Harrell Porter.

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OBJECTIONS	86
EXHIBIT 26 (unemployment emails)	26
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REQUESTS	49,60,61,68,95,102
APPEARANCES:	
ELHAM B. HADDON and PETER C.	
SANDBERG, Attorneys at Law, SANDBERG PERSONAL	
INJURY LAW, 4057 28th Street NW, Suite 300,	
Rochester, Minnesota 55901, appeared	
representing the Plaintiff.	
JOSEPH E. FLYNN and REGINALD SNELL,	

1 Q. Could you spell your middle name?  
2 A. My maiden name. H-A-R-R-E-L-L.  
3 Q. And is it a hyphen?  
4 A. No.  
5 Q. Middle name Harrell, last name Porter.  
6 P-O-R-T-E-R.  
7 A. Yes.  
8 Q. And what is your date of birth?  
9 A. [REDACTED] 1965.  
10 Q. As I'm sure you know, I'm Joe Flynn. I  
11 represent the defendants in your lawsuit.  
12 First of all, I'd like to say I'm sorry for  
13 the loss of your son.  
14 A. Thank you.  
15 Q. And have you -- like I told your husband, I'm  
16 going to be asking you a lot of questions today.  
17 Some of them are not going to be easy. It helps  
18 if you just focus on the question and answer the  
19 question rather than -- I know there's certain  
20 things you want to say, but just stick to the  
21 questions. It will go lots faster.  
22 A. Okay.  
23 Q. And have you ever given a deposition before?  
24 A. I have not.  
25 Q. Have you ever been a party to a lawsuit before?

1 Q. And why did you leave nursing?  
 2 A. For a remote position that I could not get, and  
 3 after 25 years of working shift work, holidays,  
 4 weekends, I felt I deserved to progress on to  
 5 working from home.  
 6 Q. Okay. Going back to those addresses, which of  
 7 those addresses did Ben live with you at?  
 8 A. 13040 Narbonne was our first house after Bill  
 9 and I divorced. And then on Mason Manor. And  
 10 then Dartagnan. That's where he graduated from  
 11 high school, living in that house.  
 12 Q. Has Ben lived with you since he graduated from  
 13 high school?  
 14 A. I don't believe so. I think we moved him into  
 15 an apartment about two miles from my house, his  
 16 first apartment living independently. And no,  
 17 he has not. From there, he moved to a second  
 18 apartment. And essentially on to -- I had  
 19 provided the attorneys with all the addresses  
 20 that I was able to go through my files and come  
 21 up with all the addresses over that ten-year  
 22 course, which I'm sure you have a copy of.  
 23 Q. Yeah, I do.  
 24 A. But I don't have that on my mind.  
 25 Q. Yeah.

10

1 A. But yes.  
 2 Q. Did Ben move into an apartment before he  
 3 graduated from high school?  
 4 A. No.  
 5 Q. It was shortly after he graduated?  
 6 A. Yes.  
 7 Q. Did he support himself financially or did you  
 8 assist him, you or your husband assist him?  
 9 A. I would have to say it was probably... most of  
 10 the income, I believe, was his. He worked from  
 11 a very young age and he was working when he  
 12 moved into the apartment.  
 13 Q. Where was he working?  
 14 A. He had a job with Abbott ambulance. He had a  
 15 very brief job selling Cutco knives and  
 16 Haberstroh Insurance. He had got his insurance  
 17 license. But his passion was not sales. It was  
 18 serving his community, so he was much more  
 19 focused on the ambulance service with Abbott.  
 20 He also worked with a company -- I believe it  
 21 was called AccuCare, where he was assigned to  
 22 Busch Stadium during St. Louis Cardinals games.  
 23 Or to our ice rink during Blues games, to be EMS  
 24 support.  
 25 Q. What year did Ben graduate from high school?

11

1 A. 2013.  
 2 Q. And at the time he first moved that apartment,  
 3 where was he employed?  
 4 A. He got his EMT license when he was 17. He was a  
 5 sophomore in high school. He was working for  
 6 the ambulance service in -- sorry. When he was  
 7 18. He was born in 1994.  
 8 Q. So he was working for --  
 9 A. He was working for the ambulance service, I  
 10 believe, before his high school graduation or  
 11 at -- actually, he had to be 18 years old to  
 12 take his EMT test in the state of Missouri, so  
 13 as soon as he got his EMT license he started  
 14 working. I believe it was before graduation.  
 15 Q. The dates I show for Abbott are September 1,  
 16 2015, through June 8, 2017. That's two years  
 17 after graduation.  
 18 MS. HADDON: Where do you get those  
 19 dates from?  
 20 MR. FLYNN: You got me. Your exhibit  
 21 you gave us, Plaintiff 317.  
 22 MS. HADDON: Which one is Plaintiff  
 23 317.  
 24 MR. FLYNN: I don't know.  
 25 MS. HADDON: His actual employment

12

1 records?  
 2 MR. FLYNN: I have no idea. I'm just  
 3 looking at notes. I thought she'd know the  
 4 history.  
 5 MS. HADDON: Well, I don't know the  
 6 dates off the top of my head.  
 7 (Discussion held off the record.)  
 8 BY MR. FLYNN:  
 9 Q. I'm showing you what's been marked as Exhibit 6.  
 10 It appears to be in Ben's writing and it  
 11 shows -- if you see -- if you look on the second  
 12 page of that document, employment experience.  
 13 He writes that he started at Abbott EMS in  
 14 September of 2015.  
 15 Do you see that?  
 16 A. I see start date 09/2016.  
 17 Q. You're looking at -- upper left. Sorry.  
 18 A. Fire department -- 09 of '15. Yes.  
 19 Q. Okay. So would you -- you indicated previously  
 20 it was 2013.  
 21 Would you agree now it was actually 2015?  
 22 A. I don't recall.  
 23 Q. Okay.  
 24 A. I know that he became an EMT when he was 17 and  
 25 I remember he started having EMS jobs as soon as



1 he passed his EMS Missouri and national  
2 registry.  
3 Q. So where was -- he was getting his EMT schooling  
4 while he was in high school?  
5 A. That's correct. He was young.  
6 Q. When did he do that?  
7 A. When he was 17. He graduated from high school  
8 when he was 18. So probably 2012. All I know  
9 is that he was 17 years old and too young to  
10 take the EMT test until he was 18.  
11 Q. So as you sit here today, you don't recall --  
12 A. I do not.  
13 Q. -- where he was working when he left high  
14 school?  
15 A. Well, like I said, he had multiple jobs. He was  
16 selling Cutco knives. He was working at  
17 Haberstroh.  
18 Q. What's Haberstroh?  
19 A. That's an insurance company.  
20 Q. What did --  
21 A. I don't recall. All I know is he worked for  
22 that company and got his insurance license.  
23 H-A-B-E-R-S-T-R-O-H, I believe, but I'm not  
24 certain.  
25 Q. What years did he work for that company?

1 A. I do not know.  
2 Q. Was he full time?  
3 A. No. It was just a part-time short stint.  
4 Q. What did he do there?  
5 A. I don't know. He sold insurance. He got an  
6 insurance license to sell insurance. I don't  
7 recall.  
8 Q. Do you recall when that was relative to -- I  
9 mean, do you have any idea when that was or how  
10 long?  
11 A. I would have simply said following graduation  
12 from high school.  
13 Q. Well, that's a pretty big window, though.  
14 A. Graduated in 2013. So I would say after 2013.  
15 It wasn't a lucrative business. It didn't earn  
16 him income to support himself.  
17 Q. Okay.  
18 A. I really did not know when he started at Abbott.  
19 It's not anything that I retained in my memory.  
20 Q. Okay. But is it your recollection that he --  
21 well, you said he also worked at AccuCare Home  
22 Services?  
23 A. AccuCare is the name I knew it by. He had some  
24 clothing that had the emblem on it and, yes, he  
25 did, like, PRN work when they needed him to. He

1 would work shifts doing standby at events like  
2 the St. Louis Cardinals and the Blues games.  
3 Q. Okay. That was from AccuCare?  
4 A. Correct. But he also was working for AccuCare  
5 at the same time he was working for Abbott.  
6 They didn't start together. They weren't  
7 associated with one another. Many of the EMTs  
8 worked both jobs.  
9 Q. All right. I show his earnings at 2015 from  
10 AccuCare as \$1,135, and 2016, \$82.  
11 Do you have any reason to think those are  
12 inaccurate?  
13 A. I never saw his paycheck stubs. I don't know.  
14 Q. Okay. And did he work for CPR-N-MORE?  
15 A. That's a company that my business partner and I  
16 started. He was a CPR instructor for us from --  
17 I don't recall the dates of that, either. I  
18 would have to have my records in front of me. I  
19 don't know. But he was a CPR instructor for us  
20 for many years.  
21 Q. If it's your company, I assume you would retain  
22 all of the records concerning his wages there;  
23 correct?  
24 A. Correct.  
25 Q. I don't believe we have any of those.

1 MS. HADDON: Because there was actually  
2 nothing that was retained. There was nothing  
3 that we were able to come up with. I think the  
4 last thing I heard about that was that there  
5 was --

6 THE WITNESS: I sold the company.

7 MS. HADDON: You sold the company and  
8 the records were not retained for as long as for  
9 the period when Ben was there.

10 MR. FLYNN: I'm confused. I thought  
11 she said she would have the records.

12 MS. HADDON: That was simply an  
13 explanation for why we didn't produce the  
14 records.

15 MR. FLYNN: I appreciate it. I guess I  
16 just don't -- it contradicts what she just  
17 testified to. That's fine.

18 BY MR. FLYNN:

19 Q. So based on what your counsel just represented,  
20 you, in fact, would not have access to his wage  
21 records when he was employed at CPR-N-MORE?

22 A. I sold my company is an incorrect term. I gave  
23 my company to my business partner after Ben was  
24 murdered. I couldn't do two jobs, my nursing  
25 job and run the business end CPR-N-MORE. I